IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Hirohisa A. Tanaka
APPLICATION NO.:	09/898,497
FILING DATE:	July 5, 2001
TITLE:	Method and Apparatus For Location-Sensitive, Subsidized Cell Phone Billing
EXAMINER:	Thein, Maria Teresa T
GROUP ART UNIT:	3627
ATTY. DKT. NO.:	20662-07121

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Signature:	/Daniel R. Brownstone 46,581/		
Typed or Printed Name:	**Daniel R. Brownstone**	Dated:	**February 13, 2008**

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REPLY BRIEF

This Reply Brief is responsive to the Examiner's Answer mailed December 13, 2007.

The Examiner's Answer fails to overcome the argument for patentability put forth by Appellant in its Brief.

The Board has previously held that Owensby discloses adjusting the billing rate for a telecommunications connection to a first predetermined billing rate when the location of a mobile unit is inside a predetermined subsidized zone. The Board has also recognized that a

user of the mobile unit must, in addition to being in the predetermined subsidized zone, agree to accept advertisements in order to obtain a subsidy. In other words, Owensby teaches awarding a subsidy to a user that 1) agrees to view advertisements, and 2) is in a subsidized zone, i.e. a location where advertisements are available.

In contrast, the invention of claim 1 adjusts the billing rate solely on the basis of the mobile unit being within a subsidized zone. For example, according to the claimed method, a user who makes a call from a subsidized zone but refuses to (or is never asked to) view an advertisement will receive a subsidized rate.

The Examiner has admitted, both in the August 25, 2006 office action and the Answer that Owensby does not teach adjusting the billing rate "responsive solely" to the MU being inside the predetermined subsidized zone. As Appellant pointed out in its Brief, modifying Owensby in this way would alter its principle of operation, making the rejection improper. (Appeal Brief, p.7.)

In the Examiner's Answer, the Examiner notes the point, but fails to address it, instead merely repeating the components and method disclosed by Owensby. (Answer, pp. 7-11.) Finally, the Examiner asserts that it would have been obvious to modify Owensby to grant subsidies based solely on the location of the MU (i.e., without regard to whether the user has agreed to view an advertisement) because it would "allow the system to target their ads based on the location of the subscriber's cell phone," and "so as for a means of reducing subscribers service charges while maintaining operator profit margins," and "it provides the subscriber messages which is targeted to the subscriber based on the geographical location of the wireless mobile terminal, thus informing the subscriber of his or her geographical location which can be utilized to subsidize the wireless mobile communications of the subscriber." (Answer, p. 12)(citations omitted). The Examiner appears to be arguing that it would have been obvious to one of skill in the art to modify Owensby to grant a subsidy regardless of whether the user will view an advertisement, because doing so would allow

advertisements to be targeted, reduce subscribers' service charges, and tell subscribers what their current location is. None of these explanations is a motivator to ignore the user's willingness to receive advertisements, however.

Accordingly, the rejection of claims 1, 2, 4, 6-13, 15, 17-24, 26, and 28-33 is improper and should be reversed. The rejection of claims 3, 5, 14, 16, 25 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Owensby in view of Jones should also be reversed, as further described in Appellant's Brief.

Respectfully submitted,
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Dated: February 13, 2008

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